



STATE OF RHODE ISLAND

Public Utilities Commission

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Chairman Ronald T. Gerwatowski
Commissioner Abigail Anthony
Commissioner John C. Revens, Jr.

MEMORANDUM

To: Legal Counsel for Any Party to PUC Matters
From: Commission Legal Counsel
Date: July 12, 2024
Re: Clarification of Certain Filing Requirements Pertaining to Filing of Discovery Responses
(Data Responses and Responses to Record Requests)

This memorandum is being sent to formally clarify filing requirements for written discovery responses. This memorandum is designed to result in consistency with the July 3, 2024 memorandum regarding pre-filed testimony requirements and hearing procedures.

Typically, responses to data requests and record requests include an indication of the sponsor (prepared by or under the supervision of X). Additionally, in the past, the data responses have generally been sponsored by witnesses who also file pre-filed testimony. Over the past few years, the number of sponsors has grown in certain types of cases. In addition, there have been sponsors listed who have not filed pre-filed testimony. This practice has contributed to the larger panels addressed in the July 3, 2024 memorandum. On a few occasions, having more sponsors than fewer has resulted in confusion at the hearings where, instead of witnesses providing more detailed answers to follow-up questions, none of the sponsors is comfortable answering the follow-up questions – likely the exact opposite of what the party was intending.

Therefore, in order to align discovery practices with the hearing practices, parties are expected to comply with the following:

- (1) In general, written discovery should be sponsored by one witness who either filed pre-filed testimony or will be filing rebuttal testimony (because discovery or another party's pre-filed testimony expanded the scope of the pre-filed testimony). The witness who filed testimony should be prepared to fully explain and respond to follow-up questions about the data requests sponsored by that witness or under that witness's supervision. However, there may be some instances where the witness requires the assistance of a sponsor who is not filing testimony at the hearing. Counsel may request leave from the Commission for the other sponsor to testify at the hearing to answer questions related to the data requests.
- (2) If a question requires two or more sponsors, each sponsor shall provide their portion of the response and that portion should be attributed to the respective sponsor. The responsive party should endeavor to list a primary sponsor for the hearing unless the scope of the response spans topics (i.e., engineering and revenue requirement).

If a party has any questions about these standards, please contact counsel for the Commission.